REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

The specification stands objected to as failing to provide antecedent basis for the "closing a current interface". However, this is clearly supported in page 12, fast full-line of paragraph 33.

The objections to claim 9 have been obviated herein by amendment.

Claims 1-3, 5-11, 13-16, 23-24 and 26-31 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Chen, et al in view of Verma et al and Jones et al. In summary, the cited prior art teaches a very different system than the present system, but the claims are amended herein to emphasize their patentable distinctions over the cited prior art in order to emphasize this distinction of seamlessly changing to a new connection when it is more preferable.

Chen et al teaches a system in which data transfer is maintained in the presence of disconnects. This is a system for maintaining data integrity when disconnects occur. Verma et al, in contrast, teaches a system for handing off between a mobile node and another communication point. While this teaches how to hand off between communications, it teaches nothing about



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seamless handoff, or maintaining data integrity during that hand off. Finally, Jones et al teaches a system in which different media are available, and can be selected. Column 5, lines 26-33 and lines 42-52 describe that different media can be used when multiple different media are available.

Therefore, the hypothetical combination might use a Chen et al type system which carries out data transfer and handles disconnects, along with the basic teaching of Jones et al which teaches hand off. Note that nothing in Jones et al teaches anything about supplementing the hand off by using a Chen et al system; and conversely Chen et al teaches nothing about using his system for hand off. Therefore, the combination of Chen et al and Jones et al in this way are made entirely based on hindsight. Nowhere is there any teaching or suggestion that a Chen et al type system of counting up data packets could be used with hand off. Chen et al's teaching of hand off provides no teaching to combine with a Jones et al type system.

Analogously, Verma et al teaches that different network devices can be used in hand off. However, nothing in Verma et al is in any way suggestive of combining with a packet counting system such as Chen et al. Moreover, nothing in the cited prior art individually or combined, is in any way suggestive of a list of interfaces, from most preferable to least preferable, and



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selecting the most preferable available interface on the list. The only teaching of anything even approaching such a list is found in Jones et al. Jones says, in column 5, lines 25-32, that different services may be preferred in different situations. It teaches nothing about selecting the most preferable interface on the list, and certainly teaches nothing about determining if a more preferable interface is available and if so seamlessly changing to the more preferable interface by closing the current interface and seamlessly establishing the new connection and handover.

No matter how combined, the prior art does not teach or suggest this seamless connection. Therefore, claim 1 should be allowable for these reasons.

Claim 9 is amended in a similar way and should be allowable for analogous reasons.

Claim 23 should be allowable for analogous reasons.

In view of the above amendments and remarks, therefore, all of the claim should be in condition for allowance.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be



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exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

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Respectfully submitted,

Date: October 20, 2004

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